

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AVIS BIG TRACK,

Defendant.

**CR-24-07-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 7, 2025. (Doc. 41.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston Avis Big Track (Big Track) of violating the conditions of her supervised release by: (1) failing to notify her probation officer within 72 hours of being questioned by tribal law enforcement on March 14, 2025; (2) failing to report to her probation officer as directed on March 18, 2025, March 25, 2025, April 1, 2025 and April 8, 2025; and (3) failing to participate in substance abuse treatment

during March of 2025; (4) failing to notify her probation officer within 72 hours of being questioned by tribal law enforcement on March 24, 2025; (5) consuming alcohol on April 14, 2025; and (6) testing positive for methamphetamine on April 15, 2025 . (Docs. 32 and 35.)

At the revocation hearing, Big Track admitted that she had violated the conditions of her supervised release by: (1) failing to notify her probation officer within 72 hours of being questioned by tribal law enforcement on March 14, 2025; (2) failing to report to her probation officer as directed on March 18, 2025, March 25, 2025, April 1, 2025 and April 8, 2025; (4) failing to notify her probation officer within 72 hours of being questioned by tribal law enforcement on March 24, 2025; (5) consuming alcohol on April 14, 2025; and (6) testing positive for methamphetamine on April 15, 2025. The Government moved to dismiss allegation (3), which the Court granted . (Doc. 36.)

Judge Johnston found that the violations Big Track admitted prove serious and warrants revocation, and recommended that Big Track receive a custodial sentence of 3 months, with 21 months of supervised release to follow. During her supervised release, Big Track shall be placed in a residential treatment center, if available, as directed by her probation officer, for a term not to exceed 180 days . (Doc.41.) The Court advised Big Track of her right to appeal and to allocute before the

undersigned. (Doc. 36.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 41) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Avis Big Track be sentenced to a term of custody 3 months, with 21 months of supervised release to follow. During her supervised release, Big Track shall be placed in a residential treatment center, if available, as directed by her probation officer, for a term not to exceed 180 days.

DATED this 30th day of May 2025.



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Brian Morris, Chief District Judge  
United States District Court